

STATE OF ARIZONA

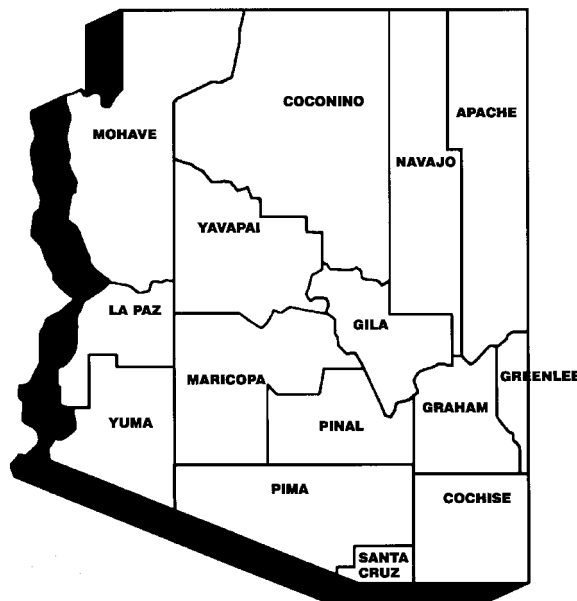
1998

HANDBOOK

FOR

CANDIDATES & POLITICAL

COMMITTEES



BETSEY BAYLESS
SECRETARY OF STATE
APRIL 1998



SECRETARY OF STATE
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1998 STATE ELECTION INFORMATION

PRIMARY ELECTION

September 8, 1998

Registration closes August 10, 1998 at midnight

GENERAL ELECTION

November 3, 1998

Registration closes October 5, 1998 at midnight

FILING PERIOD FOR CANDIDATE NOMINATION DOCUMENTS

For state candidates, the required documents are the nomination paper, affidavit of qualification and campaign finance laws statement (combined into one form), the personal financial disclosure statement and the signature petitions.

For federal candidates, the required documents are the nomination paper and affidavit of qualification (combined into one form) and the signature petitions. Federal candidates also may file an optional statement on recall.

Candidates must file all required papers on time or their names will not appear on the ballot.

First day to file: May 26, 1998

Last day to file: June 25, 1998 at 5 p.m.

Petition signature requirements will be available after March 1, 1998

FILING PERIOD FOR PARTIES SEEKING "NEW PARTY" STATUS

Before filing the signature petitions with the Secretary of State, the party must submit them to the county recorders for signature verification, no later than May 19, 1998.

Number of signatures required: 18,725

First day to file with Secretary of State: May 26, 1998

Last day to file with Secretary of State: June 25, 1998 at 5 p.m.

FILING DEADLINE FOR WRITE-IN CANDIDATES

With the exception of signature petitions, write-in candidates must file the same documents required of other candidates, and must comply with campaign finance laws.

Primary Election -- last day to file: August 25, 1998 at 5 p.m.

General Election -- last day to file: October 20, 1998 at 5 p.m.

JUSTICES OF THE SUPREME COURT - JUDGES OF THE COURT OF APPEALS FILING

Justices and judges filing for retention must file a declaration of desire to be retained in office and the campaign finance laws statement (combined into one form), and the personal financial disclosure statement.

First day to file for retention: August 5, 1998

Last day to file for retention: September 4, 1998 at 5 p.m.

INITIATIVE MEASURES AND CONSTITUTIONAL AMENDMENTS

Last day to file petitions: July 2, 1998 at 5 p.m.
Signatures required: 112,961 for Initiative Measures
169,442 for Constitutional Amendments

REFERENDUM PETITIONS

Last day to file petitions: 90 days after close of legislative session
Signatures required: 56,481

ARGUMENTS FOR OR AGAINST BALLOT MEASURES

Ballot measure arguments cannot exceed 300 words, and must be accompanied by a check or money order for \$100.00. Additional requirements for ballot measure arguments are specified in A.R.S. § 19-124.

Last day to file: July 10, 1998 at 5 p.m.

OFFICIAL CANVASS OF PRIMARY ELECTION

September 21, 1998

OFFICIAL CANVASS OF GENERAL ELECTION

November 23, 1998

CAMPAIGN FINANCE REPORT FILING PERIODS

REPORTING PERIODS

DUE BETWEEN

JANUARY 31 REPORT- For Period of
November 26, 1996 thru December 31, 1997 January 1, 1998 thru January 31, 1998

JUNE 30 REPORT- For Period of
January 1, 1998 thru May 31, 1998 June 1, 1998 thru June 30, 1998

PRE-PRIMARY ELECTION REPORT- For Period of
June 1, 1998 thru August 19, 1998 August 20, 1998 thru August 27, 1998

POST-PRIMARY ELECTION REPORT- For Period of
August 20, 1998 thru September 28, 1998 September 29, 1998 thru October 8 1998

PRE-GENERAL ELECTION REPORT- For Period of
September 29, 1998 thru October 14, 1998 October 15, 1998 thru October 22, 1998

POST-GENERAL ELECTION REPORT- For Period of
October 15, 1998 thru November 23, 1998 November 24, 1998 thru December 3, 1998

JANUARY 31 REPORT- For period of
November 24, 1998 thru December 31, 1999 January 1, 2000 thru January 31, 2000

CONTENTS

VOTER REGISTRATION Title 16, Arizona Revised Statutes	4
A. Qualifications	4
B. Registration	4
C. Voter Registration Deadlines	5
D. Voter Information Changes	5
EARLY VOTING.....	5
CANDIDATE INFORMATION.....	6
A. 1998 Elections -- Federal and State Offices	6
B. Closed Primary System.....	7
C. Legal Requirements for Candidate Campaign Advertisements, Literature and Signs.....	7
1. When disclosure is required.....	7
2. When disclosure is not required.....	7
3. Criminal penalties	8
D. Forms that Candidates Must File	8
1. Petition A.R.S. § 16-314	8
2. Nomination Paper A.R.S. § 16-311	8
3. Affidavit of Qualification A.R.S. § 16-311 (D)	9
4. Campaign Finance Laws Statement A.R.S. § 16-905 (J)(5)	9
5. Financial Disclosure Statement A.R.S. § 38-542.....	9
6. Optional Statement on Recall A.R.S. § 19-221 (Federal Candidates Only).....	9
E. Signature Requirements for Candidates	9
1. Continued Representation Parties A.R.S. § 16-322 (A) and (B)	9
2. New Parties A.R.S. § 16-322 (C)	10
3. Independent or Third Party Candidates A.R.S. § 16-341	10
F. Deadline to File Nomination Papers A.R.S. §§ 16-311, 16-341	10
G. Justices of the Supreme Court and Judges of the Court of Appeals Deadline to File for Retention Art. VI, § 38, AZ Const.	11
H. Where to File Nomination Papers A.R.S. § 16-311	11
I. Write-in Candidates A.R.S. § 16-312.....	11
CANDIDATE QUALIFICATIONS.....	12
A. Federal Candidates	12
B. Statewide and Legislative Candidates	12
INITIATIVE AND REFERENDUM MEASURES Article IV, Part 1, AZ Constitution; Title 19, Arizona Revised Statutes	13
A. Initiative.....	13
B. Referendum.....	13
C. Ballot Measure Arguments A.R.S. § 19-124	13
COUNTY RECORDERS	15
COUNTY ELECTION OFFICIALS.....	16

VOTER REGISTRATION

Title 16, Arizona Revised Statutes

A. Qualifications

Every resident of the state is qualified to register to vote if he/she:

1. Is a citizen of the United States.
2. Will be eighteen years of age or more on or before the date of the regular general election next following his/her registration.
3. Will have been a resident of the state twenty-nine days next preceding the election except as provided in A.R.S. § 16-126.
4. Is able to write his/her name or make his/her mark, unless prevented from so doing by physical disability.
5. Has not been convicted of treason or a felony, unless restored to civil rights.
6. Has not been adjudicated an incapacitated person as defined in A.R.S. § 14-5101.

B. Registration

Arizona residents may register to vote in person at the county recorder's office or by mail. Forms are available at government offices and public locations throughout the state or may be requested from the county recorder's office in each county. **Registrations must be received by the county recorder 29 days prior to the election.**

If a person is unable to complete their own registration, they may request assistance in completing the voter registration form. The person assisting in completion of the registration form must also sign the registration form upon completion.

In the case of registration by mail, a voter registration is valid if it complies with either of the following:

1. The form is postmarked twenty-nine days or more before an election and is received by the county recorder by 7:00 p.m. on the day of that election.
2. The registration is dated twenty-nine days or more before an election and is received by the county recorder within five days after the last day to register to vote in that election.

Any qualified person temporarily absent from the state may register by filling out a mail-in registration form and sending it to the county recorder of the county of his/her residence.

Arizona residents in the military, their spouses and eligible dependents stationed outside the state may register up until election day but their registrations must be returned to the county recorder's office in their county of residence by 7 p.m. on election day.

County Recorders are listed on page 15 of this booklet.

C. Voter Registration Deadlines

Persons must register twenty-nine days prior to election day to be eligible to vote in the election.

Last day to register for the 1998 primary election: **August 10, 1998 at midnight**

Last day to register for the 1998 general election: **October 5, 1998 at midnight**

D. Voter Information Changes

A voter who moves from the address at which he/she is registered to another address within the same county and who fails to notify the county recorder of the change of address before the date of an election shall be permitted to vote and correct the voter registration records at the appropriate polling place for the voter's new address.

The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address which must be located within the precinct/polling place in which the voter is attempting to vote. For a voter who lives in a rural county, whose only form of identification shows a post office box or directions to his/her residence as opposed to a residence address, an oral inquiry shall be made of the voter regarding his/her residence location to determine whether the voter is eligible to vote in the precinct where he/she is attempting to vote. An election official shall confirm that the address of the voter is located within the precinct where he/she is attempting to vote. The voter shall affirm in writing the new residence address and shall be permitted to vote a "new residence ballot."

Effective February 13, 1998, "new residence ballot" provisions apply to every election in all jurisdictions.

A registered voter desiring to change his/her preference for a political party or organization must reregister. A registered voter whose name has changed, resulting either from a court order or marriage, must reregister and state on the new registration his/her former legal name.

EARLY VOTING

Any registered voter may vote early in Arizona elections in the county recorder's office or on-site voting locations beginning 33 days prior to election day and up until 5:00 p.m. on the second Friday before the election. An elector may make an oral or signed request to the county recorder for an official early ballot. If the request is oral (in person or by telephone), the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. Requests in writing should include name and address as registered, birth date, election for which ballot is requested, address where ballot is to be mailed and signature of the requestor.

Contact the county recorder in your county of residence for the procedure for voting between 5:00 p.m. on the second Friday before the election and the Monday prior to election day.

Requests for early mail-in ballots may be made as early as 93 days prior to the election and up until 5 p.m. on the second Friday prior to the election. Early ballots will be counted if returned to the county recorder or other officer in charge of elections by 7 p.m. on election day. County recorder's offices will remain open until 7:00 p.m. on election day to accept early ballots. *Effective February 13, 1998, early ballots may also be dropped off at any polling place in the voter's county of residence no later than 7:00 p.m. on election day.*

Any absent uniformed services voter or overseas voter as defined in the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (P.L. 99-410; 42 United States Code Section 1973ff) may request an early ballot with a federal postcard application that contains both an early voter registration application and an early ballot application.

A request for an official early ballot from an absent uniformed services voter or overseas voter, as defined in the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (P.L. 99-410; 42 United States Code Section 1973ff), is valid if it is received by the county recorder or other officer in charge of elections anytime during the ninety days preceding the election.

CANDIDATE INFORMATION

A. 1998 Elections -- Federal and State Offices

Offices to be elected	Terms of office	Number of seats to be Elected
United States Senator	6 years	1
United States Representative	2 years	6
Governor	4 years	1
Secretary of State	4 years	1
Attorney General	4 years	1
State Treasurer	4 years	1
Superintendent of Public Instruction	4 years	1
Corporation Commissioner	6 years	1
State Mine Inspector	4 years	1
State Senator	2 years	30
State Representative	2 years	60

B. Closed Primary System

Arizona is a closed primary state. Only names of candidates of “recognized” parties appear on a presidential preference or primary election ballot. Voters registered in these parties vote in the primary election to select the party nominees for the general election. Recognized parties are parties which have achieved primary ballot status through the petition process pursuant to A.R.S. §§ 16-244, 16-801, 16-802, and 16-803 or by qualifying for continued representation on the primary election ballot through ballots cast or voter registration, as provided in A.R.S. § 16-804. Parties that qualified for continued representation status for statewide elections in 1996 were Democrat, Republican and Libertarian. The Reform Party achieved recognition in 1996 through the petition process.

For 1998, Democrats, Republicans and the Reform Party will have continued representation status based on total votes cast for presidential electors in the 1996 general election. The Libertarian Party will have continued representation based on voter registration figures as of November 1, 1997. New political parties’ status will be determined by the petition process in June, 1998.

C. Legal Requirements for Candidate Campaign Advertisements, Literature and Signs

“**Disclosure**” means disclosing who paid for the advertisement, literature or signs. For written materials, the disclosure must be printed “clearly and legibly in a conspicuous manner.” For broadcast advertisements, the disclosure must be spoken. [A.R.S. § 16-912(D).]

1. When disclosure is required

Campaign literature or advertisements, paid for by any political committee, must disclose in the literature or advertisement:

- whether authorized or paid for by a candidate or his/her committee or an agent of either *[see exceptions for signs and small items, listed below]*
- if not authorized by a candidate or his/her committee or agent, the name of the political committee that paid, as well as the name of the chairman of the committee and a telephone number where he/she can be contacted

[A.R.S. § 16-912(A).]

If the literature or advertisements were paid for by a political committee as an independent expenditure [see A.R.S. § 16-901(14) for definition], the following must be disclosed:

- the name of the political committee that paid, as well as the name of the chairman of the committee and a telephone number where he/she can be contacted
- the names and telephone numbers of the two political committees that, during the 12 months prior to the independent expenditure, made the largest aggregate contributions to the political committee that paid for the literature or advertisement *[Effective July 21, 1997, the names and telephone numbers all individuals and political committees making the three largest contributions must be disclosed]*
- If an acronym is used to name a committee, the name of any sponsoring organization of the committee must also be disclosed

[A.R.S. § 16-912(B).]

2. When disclosure is not required

An individual, acting alone, can post signs on his/her property, regarding any political issue or in support of or opposition to any candidate, without disclosure of who paid for the signs. [*McIntyre v. Ohio*, U.S. Supreme Court case.]

Signs that are paid for by a candidate's campaign committee are not required to include disclosure of who paid for them. [A.R.S. § 16-912(C).]

Bumper stickers, pins, buttons, pens and similar small items that are too small to contain a disclosure of who paid for them are exempt. [A.R.S. § 16-912(C).]

The organizers of a separate segregated fund, set up pursuant to A.R.S. §§ 16-920 and 16-921, may solicit contributions from its members, employees, stockholders, etc., without a disclosure of who paid for the solicitation. [A.R.S. § 16-912(C).]

3. Criminal penalties

It is a Class 2 misdemeanor to remove, alter, deface or cover any candidate's political signs from 45 days before the primary election to 7 days after the general election. However, if a sign was posted on private property, the property owner or his/her agent can remove the signs at any time, regardless of whether the owner initially gave permission to post the signs. [A.R.S. § 16-1019.]

➔ Disclosure laws differ for ballot measures. See Title 19, Arizona Revised Statutes.

D. Forms that Candidates Must File

Candidates must file all required papers on time or their names will not appear on the ballot. [A.R.S. §§ 16-311(H), 16-312(B), 16-341(H)]

Candidates are prohibited from running for more than one office if they cannot serve in both positions. [A.R.S. § 38-296.01]

1. Petition

A.R.S. § 16-314

The law specifies the nomination petition form used to obtain the required number of signatures of registered voters and circulated by or on behalf of the person wishing to become a candidate for a political office. Nomination petitions can be circulated at any time during the election cycle, but signature requirements will not be determined until March 1 of the election year.

The caption stating the purpose of the petition and the body of the petition stating the intent of the petitioners **must be in substantially the same language** as the sample petition forms provided to the candidate and stated in the law. A photograph of the candidate may appear on the nomination petition. The petition form's signature portion and circulator instructions and statement must be in the same form as stated in the law.

2. Nomination Paper

A.R.S. § 16-311

A primary election candidate must file a nomination paper at the time of filing his/her nomination petitions. The nomination paper must state the candidate's residence address, mailing address, political party (the candidate is required to be registered to vote in the same party), the office and district or precinct, the exact manner in which his/her name is to be printed on the official ballot, and the date of the primary and general elections. A.R.S. § 16-311(A).

A candidate for public office must be a qualified elector and must reside in the county, district or precinct which he/she proposes to represent at the time of filing. Art. VII, § 15, AZ Const.; A.R.S. § 16-311(A).

A candidate's name as it appears on the official ballot is limited to his/her surname and given name or names. Abbreviated versions of names, appropriate initials or nicknames are permissible and may be printed in quotation marks, but must not suggest reference to professional, fraternal, religious or military titles. The candidate's surname is printed first. A.R.S. § 16-311(G).

3. Affidavit of Qualification

A.R.S. § 16-311 (D)

A candidate must file with the nomination paper an affidavit printed on a form prescribed by the Secretary of State. The affidavit must include facts sufficient to show that, other than the residency requirement provided in subsection A, the candidate will be qualified at the time of election to hold the office he/she seeks.

4. Campaign Finance Laws Statement

A.R.S. § 16-905 (J)(5)

A candidate must sign and file a statement that he/she has read all applicable laws relating to campaign financing and reporting. This requirement does not apply to candidates for federal office.

➔ **The candidate's nomination paper, affidavit of qualification and campaign finance laws statement are combined in one document, which is available at the Secretary of State's office or the county elections office. A similar form for federal candidates is available from the Secretary of State's office.**

5. Financial Disclosure Statement

A.R.S. § 38-542

At the time the nomination papers are filed, a candidate for public office must file a personal financial disclosure statement on a form prescribed by the Secretary of State. This requirement does not apply to candidates for federal office.

"Public Officer" means a member of the legislature and any judge of the court of appeals and the superior court, or a person holding an elective office, the constituency of which embraces the entire geographical limits of the state of Arizona. Members of Congress are not deemed to be public officers as defined in this paragraph. A.R.S. § 38-541(8).

**6. Optional Statement on Recall
(Federal Candidates Only)**

A.R.S. § 19-221

Prior to a primary or other election, candidates for the office of United States senator or representative have the option of filing with the Secretary of State a statement addressed to the people of the state agreeing to resign if not re-elected by a recall vote. The Secretary of State notifies the public press as to whether the candidate has filed such a statement.

E. Signature Requirements for Candidates

1. Continued Representation Parties

A.R.S. § 16-322 (A) and (B)

The signature requirement is based on a percentage of voters registered in the applicable district in the candidate's party as reported pursuant to § 16-168(G). Candidates for the offices of U.S. Senator or for a state office must submit signatures equal to at least one-half of one percent of the qualified registered voters in at least three counties in the state, but no less than one-half of one percent nor more than ten percent of the voter registration of the candidate's party in the state. Candidates for U.S. Representative must submit signatures equal to at least one-half of one percent of the qualified registered voters, but not more than ten percent. Candidates for the office of state representative or senator must submit signatures equal to at least one percent of eligible voters, but not more than three percent. Signature requirements for other offices are found in A.R.S. § 16-322.

2. New Parties

A.R.S. § 16-322 (C)

The signature requirement for new party candidates is at least one-tenth of one percent (.01%) of the total vote for the winning candidate for governor or candidates for presidential electors at the last general election within the district.

3. Independent or Third Party Candidates A.R.S. § 16-341

The signature requirement is three percent (3%) of the qualified electors of the state, county, subdivision or district for which the candidate is nominated who are not members of a political party that is qualified to be represented by an official party ballot at the next ensuing primary election and accorded representation on the general election ballot.

The percentage necessary to sign the nomination petition shall be determined by the total number of registered voters from other than members of a political party that is qualified to be represented by an official party ballot at the next ensuing primary election and accorded representation on the general election ballot at the last general election.

➔ **Signature requirements will be calculated after the March 1, 1998 voter registration figures are received from each county.**

F. Deadline to File Nomination Papers

A.R.S. §§ 16-311, 16-341

All candidates who desire to have their names printed on the primary and/or general election ballots must file the required forms between May 26 and June 25, 1998. This deadline applies to candidates who are registered members of parties that hold primary elections, as well as to candidates from other parties and candidates who run as independents, whose names appear only on the general election ballot. All filings are due by 5 p.m. on the last day of the filing period.

G. Justices of the Supreme Court and Judges of the Court of Appeals
Deadline to File for Retention **Art. VI, § 38, AZ Const.**

Justices and judges who desire to be retained in office must file a declaration of their intent with the Secretary of State's office between August 5 and September 4, 1998. Justices and judges must also file a personal financial disclosure statement and a statement that they have read Arizona's campaign finance laws.

H. Where to File Nomination Papers **A.R.S. § 16-311**

Candidates for the offices of U. S. Senator, U. S. Representative in Congress, Governor, Secretary of State, Attorney General, State Treasurer, Superintendent of Public Instruction, Corporation Commissioner, State Mine Inspector, State Senator and State Representative file their nomination papers with the office of the Secretary of State.

Candidates for superior court judge, county, district and precinct offices file with the county election officer in the appropriate county.

County Election Officials are listed on page 16 of this booklet.

I. Write-in Candidates **A.R.S. § 16-312**

No later than 14 days prior to the primary or general election, a write-in candidate must file all the documents that are required for other candidates, listed above, with the exception of the nomination petitions. Candidates for federal offices are exempt from compliance with Arizona's campaign finance and personal financial disclosure requirements.

Only candidates who file complete, timely documents will be considered "official write-in candidates;" only official write-in candidates will have their names posted conspicuously in the polling places, and their votes tallied by the tally boards.

A write-in candidate for a party entitled to continued representation on the ballot will not be issued a certificate of nomination unless he/she receives a number of votes equivalent to at least the same number of signatures required by A.R.S. § 16-322 for nominating petitions for the same office. [A.R.S. § 16-645(E).]

A write-in candidate for a new party will not be issued a certificate of nomination unless he/she receives a plurality of the votes of the party for the office for which he/she is a candidate. [A.R.S. § 16-645(D).]

A person cannot run as a write-in candidate in the general election if the person ran for the same office in the immediately preceding primary election and failed to be nominated.

A candidate whose nomination petitions are successfully challenged cannot run as a write-in candidate for the same office.

Primary Election Deadline for Write- in Candidates
General Election Deadline for Write-in Candidates

August 25, 1998
October 20, 1998

CANDIDATE QUALIFICATIONS

A. Federal Candidates

Offices	Qualifications
United States Senator	United States citizen for at least 9 years At least 30 years of age
United States Representative	United States citizen for at least 7 years At least 25 years of age

B. Statewide and Legislative Candidates

Office	Qualifications
Governor Secretary of State State Treasurer Superintendent of Public Instruction	United States citizen for 10 years Arizona resident for 5 years At least 25 years of age
Attorney General	United States citizen for 10 years Arizona resident for 5 years At least 25 years of age
Corporation Commissioner	United States citizen Arizona resident At least 18 years of age
State Mine Inspector <i>Specified mining experience (See A.R.S. § 27-121.)</i>	United States citizen Arizona resident for 2 years At least 30 years of age
State Senator State Representative	United States citizen Arizona resident for 3 years County resident for 1 year At least 25 years of age

INITIATIVE AND REFERENDUM MEASURES
Article IV, Part 1, AZ Constitution; Title 19, Arizona Revised Statutes

A. Initiative

Arizona's registered voters may propose new laws, amend existing laws or propose constitutional amendments through the initiative petition process. Before the petition is printed and signatures collected, an application for a petition serial number along with a 100 word description and the complete text of the measure must be filed with the Secretary of State on a prescribed form. Signatures obtained prior to the filing of the committee's statement of organization are void and shall not be counted in determining the legal sufficiency of the petition. If the proponents file enough signatures on the initiative petitions, the measure will be placed on the ballot to be voted upon by the people at the next general election. Forms, sample petitions and Title 19, Arizona Revised Statutes (the laws that govern the initiative process), are available upon request from the Secretary of State's office.

Number of Signatures Required:	Initiative Measure	112,961
	Constitutional Amendment	169,442

Filing Deadline: July 2, 1998 at 5 p.m.

B. Referendum

Arizona's registered voters may circulate a petition to refer to the voters a measure or part of a measure passed by the legislature. An application for a referendum petition serial number along with a 100 word description and a copy of the measure must be filed with the Secretary of State before the circulation of the petition. Signatures obtained prior to the filing of the committee's statement of organization are void and shall not be counted in determining the legal sufficiency of the petition. If the proponents file enough signatures on the initiative petitions, the measure will be placed on the ballot to be voted upon by the people at the next general election. Forms, sample petitions and Title 19, Arizona Revised Statutes (the laws that govern the initiative process), are available upon request from the Secretary of State's office.

Number of Signatures Required: 56,481

Filing Deadline: 90 days after the close of the legislative session at which the measure was passed.

C. Ballot Measure Arguments

A.R.S. § 19-124

Any person or organization may file an argument advocating or opposing a measure referred to the ballot by initiative or referendum petition or by the legislature. The arguments for and against will be included in the Publicity Pamphlet, published and distributed by the Secretary of State before the statewide general election. The deadline for filing arguments is 60 days prior to the general election.

Each argument must not exceed three hundred words in length. Each argument must be signed by the person or the officers of the organization supporting it. Any person signing the argument must identify himself/herself by giving his/her residence or post office address. Persons or organizations filing an argument must deposit with the Secretary of State an amount of money necessary to pay the cost of the paper required and the proportionate cost of printing the argument. The fee is set by the Secretary of State and is to be paid at the time of filing. The current fee is \$100 per argument.

Argument Filing Deadline:

July 10, 1998 at 5 p.m.

COUNTY RECORDERS

JEANNE UDALL
Apache County Recorder
PO Box 425
St. Johns, AZ 85936-0425
(520) 337-4364 Ext 236
Fax (520) 337-2003 TDD (520) 337-4402

CHRISTINE RHODES
Cochise County Recorder
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Bisbee, AZ 85603-0184
(520) 432-9278
Fax (520) 432-9274 TDD (520) 432-9297

CANDACE D. "CANDY" OWENS
Coconino County Recorder
100 E. Birch
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(520) 779-6585
Fax (520) 779-6739 TDD (520) 779-6583

LINDA HAUGHT ORTEGA
Gila County Recorder
1400 E. Ash St.
Globe, AZ 85501-1496
(520) 425-3231 Ext 232
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SHIRLEY ANGLE
Graham County Recorder
800 Main St.
Safford, AZ 85546-2858
(520) 428-3560
Fax (520) 428-5951 TDD (520) 428-3562

KATIE CLONTS
Greenlee County Recorder
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Clifton, AZ 85533-1625
(520) 865-2632
Fax (520) 865-4417 TDD (520) 865-2632

PATRICIA "PAT" WALL
La Paz County Recorder
PO Box 940
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Fax (520) 669-5638 TDD (520) 669-8400

HELEN PURCELL
Maricopa County Recorder
111 S. 3rd Ave., #103
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(602) 506-3535
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JOAN McCALL
Mohave County Recorder
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(520) 753-0701
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JAY TURLEY
Navajo County Recorder
PO Box 668
Holbrook, AZ 86025-0668
(520) 524-4190
Fax (520) 524-4308 TDD (520) 524-4294

F. ANN RODRIGUEZ
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